IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1522 OF 2007

Ankit Mishra.... .....Petitioner.
Versus
Indian Institute of Technology
and Others..... ... ... Respondents.

Mrs.A.N.Helekar for the Petitioner.
Mr.Kishore Jain i/by M/s.Bhaishankar Kanga &
Girdharlal for Respondent Nos.1 and 2.
Mr.Kiran Kandpile for Respondent No.3.

CORAM : SWATANTER KUMAR, C.J. &
DR.D.Y.CHANDRACHUD, J.

DATED : 26TH JULY, 2007.

P.C.:

The petitioner is aggrieved by the order passed by the respondents on 25th June, 2007 vide which his composite disability was determined to be 27%. According to the petitioner, he was born with a disabled hand where four fingers are missing. The contention is that this would be the disability of a hand not covered on the basis of the fingers. Reliance is also placed on the report of the statutory Medical Board constituted under the provisions of the Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act, 1995 dated 4th June, 2007 issued by the Civil Surgeon,

Assistant Chief Superintendent of Hospital where the disability of the petitioner in terms of Gazette Notification dated 6th June, 1986 was considered to be 55%.

2. We do not wish to comment upon the merits of the contentions raised in the writ petition but leave it for the expert to examine the petitioner and while keeping in view the report of the Board to pass a fresh order and communicate the same to the petitioner within four weeks from today.

3. With the above directions, this writ petition is disposed of.

4. We make it clear that any observations made in this order are without prejudice to the rights and contentions of both the parties.

5. Both the parties are left to bear their own costs.

Sd/-

CHIEF JUSTICE

Sd/-

DR.D.Y.CHANDRACHUD,J.